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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/564,650 | 08/07/2006 | Claus Dworski | 1431.144.101/FIN 503 PCT/ | 9691 |
| 25281 | 7590 | 03/16/2010 | EXAMINER | |
| DICKE, BILLIG & CZAJA FIFTH STREET TOWERS 100 SOUTH FIFTH STREET, SUITE 2250 MINNEAPOLIS, MN 55402 | | | NGHIEM, MICHAEL P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2863 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/564,650 | Applicant(s) DWORSKI ET AL. | |
| | Examiner MICHAEL P. NGHIEM | Art Unit 2863 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2010 and 08 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-37 and 39-64 is/are pending in the application.
- 4a) Of the above claim(s) 46 and 54-64 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-45 is/are allowed.
- 6) ☒ Claim(s) 39, 47 and 49-53 is/are rejected.
- 7) ☒ Claim(s) 33-37, 40-42 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Amendment filed on February 8, 2010 has been considered.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 8, 2010 has been entered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the measuring device ... generate a difference signal by subtracting the reference signal from the test signal", the control device comprises a phase displacement circuit (claim 40) and two testers (claims 49-51, 53) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 33, 35, and 40 are objected to because of the following informalities:

- claim 33, “the difference values between the deviation of the test signal and of the reference signal” (lines 15-16) should be -- the difference values between the deviations of the test signal ~~and of the reference signal~~ – (see specification, page 11, lines 27-30).

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- claim 35, "the quality parameters are" (lines 1-2) should be -- the at least one quality parameters ~~are~~ is --.

- claim 40 should be amended according to claims 33, 39, and 43 regarding the control device and measuring device (to overcome the drawing objection above with respect to the measuring device).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39, 47, and 49-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- claims 39, it is unclear which value or parameter the absolute value of the deviation-corrected test signal is added together with (lines 15-16).

- claim 47, "the third input" (line 6) lacks antecedent basis.

Claims 49-51 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See

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MPEP § 2172.01. The omitted structural cooperative relationships are: the electrical test circuit is not tied to the electrical phase displacement circuit.

- claim 49, "the reference signal" (lines 8-10) lacks antecedent basis. Which one?
- claim 49, "the phase-displaced reference signal" (lines 14-15) lacks antecedent basis.
- claim 49, what is the relationship between the electric phase displacement circuit and the phase displacement circuit of claim 40?.
- claim 50, "the reference signal" (lines 9-11) lacks antecedent basis. Which one?
- claim 50, "the phase-displaced reference signal" (lines 15-16) lacks antecedent basis.
- claim 50, what is the relationship between the electric phase displacement circuit and the phase displacement circuit of claim 40?.
- claim 51, "the reference signal" (lines 9-11) lacks antecedent basis. Which one?
- claim 51, "the phase-displaced reference signal" (lines 15-16) lacks antecedent basis.
- claim 51, what is the relationship between the electric phase displacement circuit and the phase displacement circuit of claim 40?.
- claim 53, "the reference signal" (lines 8-10) lacks antecedent basis. Which one?
- claim 53, "the phase-displaced reference signal" (lines 14-15) lacks antecedent basis.
- claim 53, what is the relationship between the electric phase displacement circuit and the phase displacement circuit of claim 40?.

The remaining claims are also rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a rejected base claim.

Allowable Subject Matter

Claims 33-37, 40-42, and 48 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

Claims 39, 47, and 49-53 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 43-45 are allowed.

Reasons For Allowance

The **combination** as claimed wherein an electrical test circuit comprising a control device comprising a control loop circuit which is provided for adapting the deviation of the test signal, the control loop circuit being configured in such a manner that a deviation-corrected test signal is generated in that the difference values between the deviation of the test signal and of the reference signal is added together and in that the test signal is corrected by addition with the aggregate difference value (claim 33) or the control device comprises an amplitude correction circuit for matching the amplitude of the reference signal to the amplitude of the test signal, the amplitude correction

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circuit being configured in such a manner that an amplitude-corrected reference signal is generated in that the absolute value of the deviation-corrected test signal is determined and added together by the amplitude correction circuit and in that the reference signal is corrected with the aggregate absolute value of the deviation-corrected test signal (claim 39) or the control device comprises a phase displacement circuit, the phase displacement circuit being configured in such a manner that the phase of the reference signal is matched to the phase of the test signal (claim 40) or the squares of the amounts of the difference values between the deviation-corrected test signal and the amplitude- and phase-corrected reference signal is added together by the measuring device or the minimum and maximum values of the difference values between the deviation-corrected test signal and the amplitude- and phase-corrected reference signal is stored by the measuring device (claim 43) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael P. Nghiem/

Primary Examiner, GAU 2863

March 15, 2009